

BACKGROUND

Recognizing that electioneering communications are an increasingly popular form of advertising and that timely disclosure of a sponsor’s identity and sources of funding for these types of ads is vitally important to the integrity of state, local, and judicial elections, the Public Disclosure Commission asked the Washington State Legislature to mandate disclosure for electioneering communications. Washington State is one of first states in the country to require sponsors to disclose the costs associated with electioneering communications.

DEFINITION

Advertising must have all of the following four characteristics in order to qualify as an electioneering communication:

- The communication clearly identifies at least one candidate for state, local, or judicial office;\*
- appears within 60 days of an election in the candidate’s jurisdiction;
- in one or more of the following media – radio, television, postal mailing, billboard, newspaper, or periodical; and
- either alone, or in combination with other communications by the sponsor identifying the candidate, has a fair market value of \$5,000 or more.\*

\*If an electioneering communication identifies more than one candidate, divide the fair market value of the communication among the candidates proportionately.

WHO MUST REPORT

Any sponsor of an electioneering communication regardless of whether the sponsor paid all or a portion of the cost(s) associated with the communication.

If an electioneering communication identifies multiple candidates, prorate the fair market value of the communication among the candidates identified, and report only the portions that meet the threshold of \$5,000 or more.

REPORTING REQUIREMENTS

Each person who sponsors an electioneering communication is required to file an Electioneering Communication Report (PDC Form C-6).

The C-6 report must be filed:

- **within 24 hours** of, or on the first working day after, the date the communication was first broadcast, mailed, erected, or published, and
- **electronically** – use the Public Disclosure Commission’s on-line filing application, <http://www.pdc.wa.gov/filers/advertise/>.

No report is required if the fair market value of an electioneering communication, alone or in combination with other communications by the same sponsor identifying the same candidate(s) is less than \$5,000. If, however, a person continues to sponsor electioneering communications and the aggregate prorated fair market value for one or more candidates identified in those communications reaches the \$5,000 threshold, ALL of the electioneering communications whose fair market values were a part of the aggregate must be electronically reported within 24 hours.

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*The following questions and answers will help you determine if an advertisement meets the electioneering communication threshold:*

- Q: Is the fair market value of the ad(s) \$5,000 or more?
- A Yes → *If one candidate is identified, sponsor reports within 24 hours.*
- A Yes → *If more than one candidate is identified, go to the next question.*
- A No → *Stop here.*
- Q: Is the prorated fair market value of the ad(s) for one or more of the candidate(s) \$5,000 or more?
- A Yes → *If the answer is “yes” for all candidates, sponsor reports for all candidates within 24 hours.*
- A Yes → *If the answer is “yes” for some candidates, sponsor reports for those candidates within 24 hours.*
- A No → *Stop here.*

Some sponsors of electioneering communications have additional reporting requirements:

- A **political committee, including a political party committee**, registered with the PDC reports electioneering communication expenditures on the C-4, Schedule A, in addition to the C-6 report.
- An **out-of-state political committee** reports electioneering communication expenditures on the C-5 in addition to the C-6 report.
- A **lobbyist** reports electioneering communication expenditures on lines 8 and 17 of the lobbyist’s L-2 report in addition to the C-6 report.
- Persons making expenditures for **grass roots lobbying** activity that also qualify as an electioneering communication file the L-6 report in addition to the C-6 report.

SPONSOR IDENTIFICATION  
&  
CANDIDATE PARTY AFFILIATION

SPONSOR IDENTIFICATION:

**for written ads –**  
"NOTICE TO VOTERS (Required by law): This advertisement is not authorized or approved by any candidate. It is paid for by (name, address, city, state.)"

Further, if the ad is sponsored by a political committee required to file with the PDC, including an out-of-state committee, the following must also appear: "Top Five Contributors" followed by a list of the names of the five persons or entities making the largest contributions in excess of \$700 to the PAC during the 12 months before the ad runs. If a political committee keeps records necessary to track contributions according to the use intended by contributors, that committee may identify the top five contributors giving for that purpose.

**for radio & television ads –**  
The following statement must be clearly spoken, or for TV advertisements, appear in print and be visible for at least four seconds, appear in letters greater than 4% of the visual screen height, and have a reasonable color contrast with the background: "No candidate authorized this ad. Paid for by (name, city, state)." In addition, top five contributor information,

as discussed under "written advertisements," is necessary if the ad is sponsored by a political committee required to file with the PDC."

CANDIDATE PARTY AFFILIATION:

If the candidate identified in the electioneering communication is a candidate for partisan office, include the party preference or independent status expressed by the candidate on his/her Declaration of Candidacy. The PDC publishes a list of acceptable political party abbreviations in its Political Advertising Brochure.

PLACEMENT:

According to state law, on written or printed advertising, the sponsor’s full name and address and the candidate’s party affiliation must:

- appear on the first page of the communication in at least 10 point type, or
- for billboard, appear in type at least 10% of the largest size type used in the ad, and
- not be screened or half-toned (i.e., not made lighter through some printing or photographic process), and
- be set apart from any other ad text.

**The candidate’s party identification must be clearly identified in any radio or TV ad.**

PROHIBITIONS

- Do not...
- ... use an assumed name in sponsor identification.
  - ... claim or imply that persons or groups support or endorse a candidate when they do not.
  - ... represent that a candidate is the incumbent if s/he is not.
  - ... distribute campaign material deceptively similar in design or appearance to the voters and candidate’s pamphlets published by the Secretary of State.
  - ... use the state seal or its likeness to assist or defeat a candidate.

Comparison of Independent Expenditures and Electioneering Communications		
	Independent Expenditure	Electioneering Communication
Definition	<ul style="list-style-type: none"> <li>Political advertisement that supports or promotes the defeat of a clearly identified candidate for state, local, or judicial office;</li> <li>Paid for by someone other than a candidate, a candidate's committee, or agent;</li> <li>Sponsor does the advertising completely independently of any candidate supported in the ad (or the opponent of the candidate opposed), or a candidate's committee or agent;</li> <li>Sponsor did not receive the candidate's encouragement or approval to do the ad;</li> <li>May include non-advertising expenditures, e.g., paid doorbelling supporting a candidate or ballot measure;</li> <li>May appear at any time, anywhere (note special reporting deadline when appearing within 21 days of an election and fair market value is \$1,000 or more);</li> <li>May appear in any format or medium; and</li> <li>May support or oppose just ballot measures.</li> </ul>	<ul style="list-style-type: none"> <li>Communication that clearly identifies at least one candidate for state, local, or judicial office;</li> <li>Paid for by someone other than a candidate, a candidate's committee or agent;</li> <li>Sponsor does the advertising completely independently of any candidate or a candidate's committee or agent;</li> <li>Sponsor did not receive the candidate's encouragement or approval to do the ad;</li> <li>Either alone, or in combination with other communications by the sponsor identifying the candidate, has a fair market value of \$5,000 or more</li> <li>Appears within 60 days of an election in the candidate's jurisdiction;</li> <li>In one or more of the following media – radio, television, postal mailing, billboard, newspaper, or periodical; and</li> <li>Does not include communications relating to just ballot measures.</li> </ul>
Reporting Deadline	<div>For ads with fair market value of \$1,000 or more and appearing within 21 days of an election - 24 hours of, or on the first working day after, the date the ad was first published, mailed, or otherwise presented to the public.</div> <div>For ads appearing more than 21 days before an election valued at \$100 or more - Within 5 days of making the expenditure.</div>	24 hours of, or on the first working day after, the date the ad was broadcast, mailed, erected, or published.
Electronic Reporting	Optional.	Required.
Reporting of Donors	Not on C-6 form, unless ad also qualifies as an electioneering communication.	Yes, if contribution was more than \$250 in the aggregate.
Retroactive Reporting	None required. File the initial report and continue reporting if additional independent expenditures of any amount are made.	Required if the \$5,000 or more reporting threshold is reached by aggregating the fair market value of multiple political ads – report the triggering ad as well as each of the earlier ads whose fair market value is included in the aggregate.

**An advertisement that meets the definition of independent expenditure and electioneering communication must be reported on a C-6 form as an electioneering communication.**

Sponsors of advertisements that do not meet the definition of electioneering communication should review the chart comparing independent expenditures and electioneering communications to determine if the advertisement is an independent expenditure.

Contact PDC staff if you need help determining whether an advertisement must be reported as an electioneering communication or an independent expenditure.

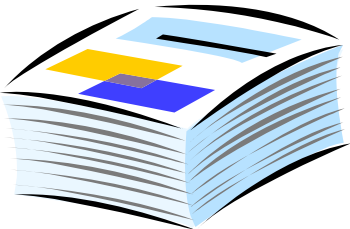
**When a contribution -**


An electioneering communication made in cooperation, consultation, or concert with, or at the request or suggestion of 1) a candidate, a candidate's authorized committee, or agents, or 2) a political committee or its agents is an in-kind contribution to the candidate or the political committee and is not reported on PDC Form C-6. Instead, the sponsor immediately notifies the benefited candidate or committee of the communication's fair market value so that the recipient can report receiving the contribution. An electioneering communication that is a contribution is subject to any applicable contribution limit or other restriction.

If an electioneering communication is a contribution and the sponsor is a political committee, lobbyist, or lobbyist employer required to file PDC reports, the sponsor must report making the contribution.

# ELECTIONEERING COMMUNICATIONS

Supplement to the  
PDC's April 2006  
Political Advertising Brochure



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